

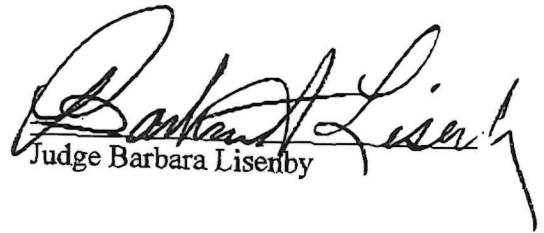
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHESTERFIELD	)	CASE NO: 2020-CP-13-00672
	)	
Michael Qualls,	)	
	)	
Plaintiff,	)	
	)	<b>AFFIDAVIT OF JUDGE</b>
vs.	)	<b>BARBARA LISENBY</b>
	)	
Town of McBee,	)	
	)	
Defendant,	)	
	)	

PERSONALLY APPEARED before me, Judge Barbara Lisenby, who first being duly sworn, deposes and says:

1. I am above the age of eighteen (18) and am competent to declare the facts stated herein.
2. At all times relevant hereto, I was employed as a Municipal Judge for the Town of McBee.
3. I have been a Municipal Judge for approximately 35 years. I have been a Municipal Judge in the Town of McBee for approximately 15 years.
4. Plaintiff appeared before me on July 8, 2019 for his bond hearing. I informed Plaintiff orally and in writing of his right to trial by jury, the charges against him and the nature of the charges, his right to counsel and right to court-appointed counsel if financially unable to employ counsel, and instructions on how to obtain court appointed counsel. Upon receiving notice of his rights, Plaintiff was given the opportunity to request a jury trial and to request court-appointed counsel, yet he failed to do so. I asked him how he wished to plead, and Plaintiff pled guilty. Plaintiff then asked me to give him more time to get his license and insurance reinstated, so I gave him 30 days and scheduled for him to appear before me again on August 8, 2019.
5. Plaintiff appeared before me again on August 8, 2019. At this time, Plaintiff explained to me that he had failed to remedy the suspension on his driver's license or reinstate his insurance. Plaintiff told me that he did not drive to court. Plaintiff asked for more time to reinstate his license and insurance, so I gave him 30 days and set another court date for September 8, 2019. After he was released from court, it was then discovered that Plaintiff had lied to the Court and had in fact driven to court even though his driver's license was suspended. He was brought back before me by officers for driving with a suspended license. At this time, I informed him he was going to jail.

6. Plaintiff never appeared before the Clerk of Court for indigency screening, which is a prerequisite to obtaining court appointed counsel.
7. Plaintiff did not request an attorney and/or a jury trial at his bond hearing on July 8, 2019. Plaintiff did not request an attorney and/or a jury trial when he appeared before me in court again on August 8, 2019.
8. Plaintiff did not request an attorney and/or a jury trial until after he was taken into custody and was being escorted to jail on August 8, 2019.
9. Plaintiff was incarcerated at Chesterfield County Detention Center on August 8, 2019 and released on August 15, 2019 when his fines were paid.
10. I have reviewed the Complaint filed in this action and vehemently deny that either I or the Town of McBee ever violated the Plaintiff's civil and/or constitutional rights.
11. Neither I nor the Town of McBee deprived Plaintiff of his right to due process.
12. At all times relevant hereto, I was acting within the scope of my official duties and my role as a judge and I had jurisdiction to act.
14. All of my actions were serving a judicial function.
15. I honored my duty to exercise that degree of care and skill ordinarily exercised by my profession under similar conditions and in similar circumstances. Accordingly, I specifically deny that I deviated from the generally accepted standards, practices, and procedures exercised by competent municipal judges. Furthermore, I specifically deny that my actions caused Plaintiff any injury whatsoever.
16. I exercised discretion and professional judgment in conducting Plaintiff's judicial proceedings.
17. Neither I nor the Town of McBee were negligent or grossly negligent in any manner whatsoever.
18. Any arrest, imprisonment, and/or detention of the Plaintiff was supported by both probable cause and valid under the law.
19. I understand that making any false statements within this affidavit may subject me to criminal liability.
20. I further attest that I am making these statements freely and voluntarily, without coercion or duress. I further state that I am not suffering from any mental conditions or taking any substances which would impair my ability to understand all matters set forth herein.

FURTHER AFFIANT SAYETH NOT.

  
Judge Barbara Lisenby

Sworn to before me this 12<sup>th</sup>  
day of September, 2022

Betty Lynn Watson  
Notary Public, State of South Carolina  
My commission expires: 3/21/22

